

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA)	
)	
v.)	CRIMINAL NO. 05-10153-GAO
)	
JIANGYO ZHU and)	
KAYOKO KIMBARA)	
)	
Defendants)	
)	

**SECOND JOINT MOTION TO STAY REFERRAL OF CASE TO
DISTRICT COURT AND FOR EXCLUDABLE DELAY**

The parties jointly move for a further stay in the referral of this case to the district court. As grounds, the parties state that at an Interim Status Conference held before the magistrate on November 8, 2005, the parties reported that they were engaged in negotiations regarding the potential resolution of this matter through pre-trial diversion and requested that they be given until Friday, December 16, 2005 to conduct their discussions. The magistrate directed the parties to submit their request in the form of a joint motion to the district court, which the parties filed on November 9, 2005. That motion remains under advisement.

Since the filing of the foregoing motion, the parties have prepared, exchanged, discussed, and revised drafts of a proposed agreement. Although progress has been made, further time is needed to discuss certain issues that remain unresolved.

Accordingly, the parties jointly move that the Court further extend until February 10, 2006 the referral of this case to the district court. In conjunction with that request, the parties also jointly move that the Court exclude under the Speedy Trial Act the period of time from December 17, 2005 to February 10, 2006 [56 days] in the interests of justice, pursuant to 18

U.S.C. § 3161(h)(8)(A). The parties' prior motion sought the exclusion of the period from November 9, 2005 to December 16, 2005.

Respectfully submitted,

JIANGYO ZHU

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Date: December 22, 2005